

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**GARY L. STIBB,**

**Petitioner,**

**v.**

**Case No. 04-C-84**

**MATTHEW J. FRANK,**

**Respondent.**

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**ORDER**

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On November 20, 2006, the petitioner filed a motion to proceed in forma pauperis on appeal. Although this court previously denied the petitioner's motion as moot after this court declined to issue a certificate of appealability, the Seventh Circuit Court of Appeals has subsequently asked this court to rule on the merits of the motion.

Based upon the information set forth in the affidavit and documents submitted in support of the petitioner's motion to proceed in forma pauperis, this court is satisfied that the petitioner is indigent, and therefore his motion to proceed in forma pauperis on appeal is **granted**.

**SO ORDERED.**

Dated at Milwaukee, Wisconsin this 18th day of December, 2006.

s/AARON E. GOODSTEIN  
U.S. Magistrate Judge